

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Madeleine Clayton 03/29/2001
Departmental Forms Clearance Officer
Office of the Chief Information Officer
14th and Constitution Ave. NW.
Room 6086
Washington, DC 20230

In accordance with the Paperwork Reduction Act, OMB has taken the following action on your request for approval of the reinstatement of an information collection received on 01/16/2001.

TITLE: Fisheries Certificate of Origin

AGENCY FORM NUMBER(S): NOAA-FORM-370

ACTION : APPROVED

OMB NO.: 0648-0335

EXPIRATION DATE: 03/31/2004

BURDEN	RESPONSES	BURDEN HOURS	BURDEN COSTS
Previous	0	0	0
New	4,000	1,033	0
Difference	4,000	1,033	0
Program Change		1,033	0
Adjustment		0	0

TERMS OF CLEARANCE: None

NOTE: The agency is required to display the OMB control number and inform respondents of its legal significance (see 5 CFR 1320.5(b)).

OMB Authorizing Official Title

Donald R. Arbuckle Deputy Administrator, Office of
Information and Regulatory Affairs

PAPERWORK REDUCTION ACT SUBMISSION

Please read the instructions before completing this form. For additional forms or assistance in completing this form, contact your agency's Paperwork Clearance Officer. Send two copies of this form, the collection instrument to be reviewed, the supporting statement, and any additional documentation to: Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.

1. Agency/Subagency originating request	2. OMB control number b. <input type="checkbox"/> None a. _____ - _____
3. Type of information collection (<i>check one</i>) a. <input type="checkbox"/> New Collection b. <input type="checkbox"/> Revision of a currently approved collection c. <input type="checkbox"/> Extension of a currently approved collection d. <input type="checkbox"/> Reinstatement, without change, of a previously approved collection for which approval has expired e. <input type="checkbox"/> Reinstatement, with change, of a previously approved collection for which approval has expired f. <input type="checkbox"/> Existing collection in use without an OMB control number For b-f, note Item A2 of Supporting Statement instructions	4. Type of review requested (<i>check one</i>) a. <input type="checkbox"/> Regular submission b. <input type="checkbox"/> Emergency - Approval requested by _____ / _____ / _____ c. <input type="checkbox"/> Delegated
	5. Small entities Will this information collection have a significant economic impact on a substantial number of small entities? <input type="checkbox"/> Yes <input type="checkbox"/> No
	6. Requested expiration date a. <input type="checkbox"/> Three years from approval date b. <input type="checkbox"/> Other Specify: _____ / _____
7. Title	
8. Agency form number(s) (<i>if applicable</i>)	
9. Keywords	
10. Abstract	
11. Affected public (<i>Mark primary with "P" and all others that apply with "x"</i>) a. <input type="checkbox"/> Individuals or households d. <input type="checkbox"/> Farms b. <input type="checkbox"/> Business or other for-profit e. <input type="checkbox"/> Federal Government c. <input type="checkbox"/> Not-for-profit institutions f. <input type="checkbox"/> State, Local or Tribal Government	12. Obligation to respond (<i>check one</i>) a. <input type="checkbox"/> Voluntary b. <input type="checkbox"/> Required to obtain or retain benefits c. <input type="checkbox"/> Mandatory
13. Annual recordkeeping and reporting burden a. Number of respondents _____ b. Total annual responses _____ 1. Percentage of these responses collected electronically _____ % c. Total annual hours requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____	14. Annual reporting and recordkeeping cost burden (<i>in thousands of dollars</i>) a. Total annualized capital/startup costs _____ b. Total annual costs (O&M) _____ c. Total annualized cost requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____
15. Purpose of information collection (<i>Mark primary with "P" and all others that apply with "X"</i>) a. <input type="checkbox"/> Application for benefits e. <input type="checkbox"/> Program planning or management b. <input type="checkbox"/> Program evaluation f. <input type="checkbox"/> Research c. <input type="checkbox"/> General purpose statistics g. <input type="checkbox"/> Regulatory or compliance d. <input type="checkbox"/> Audit	16. Frequency of recordkeeping or reporting (<i>check all that apply</i>) a. <input type="checkbox"/> Recordkeeping b. <input type="checkbox"/> Third party disclosure c. <input type="checkbox"/> Reporting 1. <input type="checkbox"/> On occasion 2. <input type="checkbox"/> Weekly 3. <input type="checkbox"/> Monthly 4. <input type="checkbox"/> Quarterly 5. <input type="checkbox"/> Semi-annually 6. <input type="checkbox"/> Annually 7. <input type="checkbox"/> Biennially 8. <input type="checkbox"/> Other (describe) _____
17. Statistical methods Does this information collection employ statistical methods <input type="checkbox"/> Yes <input type="checkbox"/> No	18. Agency Contact (person who can best answer questions regarding the content of this submission) Name: _____ Phone: _____

19. Certification for Paperwork Reduction Act Submissions

On behalf of this Federal Agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9

NOTE: The text of 5 CFR 1320.9, and the related provisions of 5 CFR 1320.8(b)(3), appear at the end of the instructions. *The certification is to be made with reference to those regulatory provisions as set forth in the instructions.*

The following is a summary of the topics, regarding the proposed collection of information, that the certification covers:

- (a) It is necessary for the proper performance of agency functions;
- (b) It avoids unnecessary duplication;
- (c) It reduces burden on small entities;
- (d) It used plain, coherent, and unambiguous terminology that is understandable to respondents;
- (e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;
- (f) It indicates the retention period for recordkeeping requirements;
- (g) It informs respondents of the information called for under 5 CFR 1320.8(b)(3):
 - (i) Why the information is being collected;
 - (ii) Use of information;
 - (iii) Burden estimate;
 - (iv) Nature of response (voluntary, required for a benefit, mandatory);
 - (v) Nature and extent of confidentiality; and
 - (vi) Need to display currently valid OMB control number;
- (h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected (see note in Item 19 of instructions);
- (i) It uses effective and efficient statistical survey methodology; and
- (j) It makes appropriate use of information technology.

If you are unable to certify compliance with any of the provisions, identify the item below and explain the reason in Item 18 of the Supporting Statement.

Signature of Senior Official or designee

Date

Agency Certification (signature of Assistant Administrator or head of MB staff for L.O.s, or of the Director of a Program or Staff Office)	
Signature	Date
Signature of NOAA Clearance Officer	
Signature	Date

**SUPPORTING STATEMENT
FISHERIES CERTIFICATE OF ORIGIN
0648-0335**

Section A. Justification:

1. The purpose of this collection of information is to comply with the requirements of the Marine Mammal Protection Act (MMPA), 16 U.S.C. 1361, and the Dolphin Protection Consumer Information Act (DPCIA), 16 U.S.C. 1385, as amended by the International Dolphin Conservation Program Act (IDCPA), 16 U.S.C. 1414. The MMPA and the DPCIA required the Secretary of Commerce to promulgate regulations that restricted the fishing, sale, importation and transportation of tuna that is not dolphin safe and of certain other fish and fish products when they have been captured by high seas driftnets. The IDCPA primarily amends provisions in the MMPA and the DPCIA governing marine mammal mortality in the U.S. eastern tropical Pacific Ocean (ETP) tuna purse seine fishery and the importation of yellowfin tuna and yellowfin tuna products from other nations with vessels engaged in the ETP tuna purse seine fishery.

The interim final rule to implement provisions of the IDCPA allows the entry of ETP-caught yellowfin tuna into the United States under certain conditions, requires U.S. vessel operators to document deliveries of tuna, and establishes a tuna tracking program to ensure adequate tracking and verification of the dolphin safe status of tuna harvested in the ETP. This information collection documents the dolphin safe status of tuna import shipments as well as domestic deliveries of tuna caught by U.S.-flag tuna purse seine vessels; verifies that import shipments of fish were not harvested by large scale, high-seas driftnets; and verifies that tuna was not harvested by a nation under embargo or otherwise prohibited from exporting tuna to the United States.

2. The Fisheries Certificate of Origin (FCO) provides the National Marine Fisheries Service with information concerning the origin, type, and quantity of the tuna. The FCO provides a mechanism for exporters and government officials to use in documenting and certifying the fishing method and dolphin safe status of the accompanying shipment. It requires importers to provide this information to the U.S. Customs Service prior to entry in the United States market, which assists the USCS and NMFS in preventing tuna which is not properly documented from entering the United States. In addition, all parties that submit FCOs are required to retain a copy of the FCO for a period of two years and to provide such copies to the NMFS within thirty days of receiving a written request from the NMFS Regional Administrator.

If the importer of record is not the final destination of the entire shipment, additional importers or processors who take custody of the shipment are asked to endorse and date the form to certify that the form and attached documentation accurately describes the accompanying shipment. The additional endorsers are required to file the form but need not submit it unless it is requested at a later time during a tuna tracking audit.

NOAA has made use of the FCO in documenting the entry of tuna and certain other fish products into the United States for a number of years. NOAA has also used the information collected on the FCO in litigation, fisheries management decisions, and international negotiation decisions.

3. The FCO can be entered electronically through the USCS Automated Broker Interface system. The purpose of this system is to eliminate excess paperwork and minimize the reporting burden, while maintaining an efficient, accurate system to monitor the importation of the regulated fish and fish products. In addition, copies of the FCO form are available on the NMFS Southwest Region web page for users to download as needed; thus saving the most of cost of reproducing and distributing paper copies of the form.

4. The FCO was one of the first forms developed by the NMFS to document information concerning the import of tuna products and to certify that certain fishery products were not harvested using high seas driftnets. The same or similar information is not available through any other known information collection.

5. This collection does not have a significant impact on small entities.

6. The Secretary of Commerce would not be able to meet the mandates of the applicable laws if this collection was not conducted. Litigation against the Federal Government would likely ensue.

7. This information collection is consistent with OMB guidelines (5 CFR 1320.6), except that submission is required as shipments of tuna and covered fish products enter the United States which may be more frequently than quarterly for some importers.

8. The FCO was first developed in the late 1970s and has been in continuous use in its present form since 1990 with little or no public complaint and few problems reported. Comments have been solicited through FR comment periods and official visits. No comments were received in response to the Federal Register Notice published for this submission (65 FR 82, Thursday April 27, 2000). Some comments specific to the Form 370 that were received as a result of the publication of the IDCPA interim final rule (65 FR 1, January 3, 2000) were incorporated into the form. Consultation with representatives of those being affected are conducted year round, reaching each respondent (350 respondents) at least once a year.

9. No payments or gifts are provided.

10. This information collection is subject to data confidentiality restrictions contained in NOAA Administrative Order 216-100.

11. No questions of a sensitive nature are included in this information collection.

12. 350 respondents making 4,000 responses. 30% of the responses are from vessel Captains.
Therefore -

2,800 processor responses x 20 minutes/response = 933 hours

1,200 Captain's statements x 5 minutes/statement = 100 hours

Total burden = 1,033 hours

13. Estimated cost to the public = \$0. Costs for maintaining files and providing copies of other documents to the Administrator, Southwest Region are included in the PRA submitted for the IDCPA. Any additional cost to provide extra copies of the FCO are estimated to be \$100 or less per year for copying.

14. Staff hours to collect, monitor and analyze the collected information 3600 collections per year.

3600 forms x 20 minutes/form=1200 staff hours/year

5 minutes analysis per collection @ \$30.00/hr (GS-11/12)

5 min = .083 hrs x \$30.00/hr = \$2.49

15 min data entry per collection @ \$13.00/hr (GS-4)

15 min = .25 hr x \$13.00/hr = \$3.25

3600 x (2.49 + 3.25) = \$20,664.00 per year

15. This PRA request is to reinstate the expired FCO form with minor changes made to conform with the IDCPA amendments to the MMPA and DPCIA (see 1. and 2. above).

16. Not applicable.

17. Not applicable.

18. Not applicable.

U.S. DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
NATIONAL MARINE FISHERIES SERVICE

Fisheries Certificate of Origin



1. Customs Entry Identification

Customs Entry Number _____

Date of Entry _____

2. Exporter (Name and Address)

Telephone Number: _____

3. Importer (Name and Address)

Telephone Number: _____

4. DESCRIPTION OF FISH

U.S. Tariff Schedule Number, Species Description, and Product Form	Weight (kg.)	Ocean Area	Fishing Gear	Vessel Flag	Trip Dates Begin-End	Vessel Name

5. DOLPHIN SAFE STATUS - check the statement that applies.

A. The tuna or tuna products described herein are not certified to be dolphin safe and contain no marks or labels that indicate otherwise.

B. The tuna or tuna products described herein are certified to be dolphin safe:

- | | |
|-----|---|
| (1) | Tuna not harvested with a purse seine net, and not harvested in any fishery that has been identified by the Assistant Administrator as causing a regular and significant mortality or serious injury to dolphins. |
| (2) | Tuna harvested using a purse seine net outside the Eastern Tropical Pacific Ocean (ETP), with valid documentation by the captain of the vessel certifying that no purse seine net was intentionally deployed on or to encircle dolphins during the fishing trip. Captain's statement attached. |
| (3) | Tuna harvested by purse seine vessel outside the ETP in a fishery in which there is a regular and significant association occurring between marine mammals and tuna, with valid documentation by an authorized observer and the captain of the vessel, certifying that no purse seine net was intentionally deployed on or to encircle marine mammals during the fishing trip and no dolphins were killed or seriously injured in the sets in which the tuna were caught. Observer's and captain's statements attached. |
| (4) | Tuna harvested in the ETP by a purse seine vessel having a carrying capacity of 400 short tons (362.8mt) or less. |
| (5) | Tuna harvested in the ETP by a purse seine vessel of more than 400 short tons (362.8mt) carrying capacity with valid documentation signed by a representative of the appropriate IDCP-member nation certifying that: (1) there was an IDCP-approved observer on board the vessel during the entire trip; (2) no purse seine net was intentionally deployed on or to encircle marine mammals during the fishing trip and no dolphins were killed or seriously injured in the sets in which the tuna were caught; (3) listing the numbers for the associated Tuna Tracking Forms which contain the captain's and observer's certifications. IDCP Member Nation Certification attached. |

6. EXPORTER CERTIFICATION - I certify that the above information is complete, true, and correct to the best of my knowledge and belief.

Exporter Name (Print or Type) _____

Signature and Date: _____

7. HIGH SEAS DRIFTNET CERTIFICATION - For fish or fish products harvested by, or exported from, a designated large-scale driftnet nation. I attest that the fish or fish products described herein were not harvested by a large-scale driftnet on the high seas.

Name and title of Government Representative (Print or Type) _____

Signature and Date _____

8. IMPORTER/PROCESSOR ENDORSEMENT

(Name and Address) _____

Signature and Date _____

(Name and Address) _____

Signature and Date _____

(Name and Address) _____

Signature and Date: _____

GENERAL INFORMATION – The information requested on this form is necessary to substantiate the origin and method of harvest of tuna and certain other fish products as required by 50 CFR Part 216.24(f). This form is required for all tuna and tuna products entered into the United States under an HTS number listed in 216.24(f)(2)(i) or (ii) and for any fish exported from a large-scale driftnet nation entered under any of the HTS numbers listed in 216.24(f)(2). This form may also be used to document U.S. domestic landings and shipments of certain tuna and tuna products as required by 50 CFR Part 216.92(a). The information submitted on the form will be used to determine whether or not the listed shipment will be allowed entry into the United States. The information provided will be treated as confidential in accordance with NOAA Administrative Order 216-100. Mail a copy of each form and attached statements to: National Marine Fisheries Service, Southwest Region, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213. Questions concerning the use of the form may be directed to (562) 980-4030. This form may be downloaded from the Internet at <http://swr.nmfs.noaa.gov/noaa370.htm> and reproduced as necessary.

INSTRUCTIONS.

1. CUSTOMS ENTRY IDENTIFICATION - Importer must enter the shipment's assigned U.S. Customs Entry Number and the projected date of entry (day/month/year, i.e., 15/Jan/2000)
2. EXPORTER - Enter company name and address of exporter and contact phone number of responsible company representative.
3. IMPORTER - Enter name and address of importer or consignee and contact phone number of responsible company representative.
4. DESCRIPTION OF FISH -

U.S. HARMONIZED TARIFF SCHEDULE NUMBER, SPECIES DESCRIPTION AND PRODUCT FORM - Enter U.S. HTS Number of fish or fish product, the species description and product form in English. HTS numbers are listed in 50 CFR 216.24(f)(2). Only shipments from countries that use large-scale driftnets are required to be accompanied by this form for other species of fish and fish products. **This form is not required for fresh bluefin tuna or other fresh fish.**

WEIGHT - Enter the total **net** weight of the shipment **in kilograms.**

OCEAN AREA OF CATCH - Enter the ocean area in which the fish contained in this shipment were harvested:

- EA - Eastern Atlantic (east of 45° W. longitude)
- WA - Western Atlantic (west of 45° W. longitude)
- ETP - Eastern Tropical Pacific (east of 160° W. longitude, between 40° N. and 40° S. latitude)
- NP - North Pacific Ocean (north of 40° N. latitude)
- SP - South Pacific Ocean (west of 160° W. longitude, south of 15° S. latitude and east of 160° W. longitude, south of 40° S. latitude)
- WP - Western Pacific Ocean (west of 160° W. longitude and north of 15° S. latitude)
- IND - Indian Ocean
- CAR - Caribbean Sea
- OTH - Other- Describe Area _____

FISHING GEAR - Enter gear used to harvest fish

- PL - Pole and Line, Hook and Line
- PS - Purse Seine Net
- GN - Gillnet less than 1.5 miles (2.4 km) in total length
- DN - Large Scale Driftnet (High Seas)
- LL - Longline
- OTH - Other Type. Describe _____

VESSEL FLAG - Enter the country under whose laws the fishing vessel operated, or for certified charter vessels, enter the country that accepted responsibility for the vessels' fishing operations.

TRIP DATES - Enter the **exact** beginning and ending dates (day/month/year, i.e., 15/Jan/2000) of the fishing trip during which the described shipment of fish was harvested.

VESSEL NAME - Enter the name of the **fishing vessel** only if the fish or fish products were harvested using a purse seine net.

5. DOLPHIN SAFE STATUS - Must be completed for all tuna or tuna products. Check only **one** appropriate statement. Use a separate form if more than one statement applies. Statements or certifications required when box No. 5B(2), 5B(3), or 5B(5) is checked must accompany this form at all times.
6. EXPORTER CERTIFICATION - Must be signed and dated (day/month/year, i.e., 15/Jan/2000) by a responsible official of the export company listed in block 2.
7. HIGH SEAS DRIFTNET CERTIFICATION - If the shipment includes fish harvested by vessels of, or exported from a nation identified by NOAA in a Federal Register notice as a nation fishing with large-scale driftnets, a responsible government official of the harvesting nation must certify here.
8. IMPORTER/PROCESSOR ENDORSEMENT - Each additional importer or processor who takes custody of the shipment must sign and date the form to certify that the form and attached documentation accurately describe the shipment of fish that they accompany.